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The Commissioner of Patents
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Attention: Treasury Department

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U.S. PATENT AND TRADE MARK OFFICE
C. 1000

Dear Sir:

Re: U.S. Patent Application 08/286,189
Sonia E. Sanhueza et al
INACTIVATED RESPIRATORY SYNCYTIAL VIRAL
VACCINES
Group No. 1648; Examiner: B. Nelson

Please find enclosed a copy of a portion of an Office Action on this application. This portion indicates that the Examiner considers a Notice of Appeal and Appeal Brief filed in this case to be premature and indicates that a refund of these fees may be requested. We hereby request such a refund.

Respectfully submitted,

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Art Unit: 1648

DETAILED ACTION

1. The Group and/or Art Unit location of your application in the PTO has changed.

To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1648.

2. The amendment filed Apr. 23, 1997 is being treated under 35 U.S.C. 132 as a request for reconsideration. Applicant has prematurely filed the Notice of Appeal and the Appeal Brief without allowing the reexamination to take place. Furthermore, the Brief includes the amended claims submitted in the Apr. 23, 1997 amendment, which claims, by virtue of the amendments have never been examined and therefore can not now be appealed. Applicant is entitled to a refund for any fees paid for the Notice of Appeal and Appeal Brief. Claims 17-19 were canceled as per amendment date Apr. 4, 1996. Claims 2 and 10 were canceled as per amendment date Apr. 23, 1997. Claims pending and under consideration are claims 1, 3-9, and 11-16.

3. All previous rejections have been withdrawn in view of the amendments to the claims.

New Grounds of Rejections

Claim Rejections - 35 USC § 112

4. Claims 1, 3-9, and 11-16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the